

REMARKS

Claims 1-5, 7-9, 31-36, 41-55, and 75-100 are pending. Applicants are canceling claims 6, 37-40, and 56-74. Applicants have amended claims 1, 5, 45, and 50 and added claims 75-100 to clarify their invention.

The Examiner believes that the declaration is defective because "there is no date of execution for the first inventor." The date of execution, however, is not required. The MPEP states that the "Office will no longer require a newly executed oath or declaration . . . where the date of execution has been omitted." MPEP § 602.05.

Applicants have amended claim 5 to correct a minor typographical error.

The Examiner has rejected claim 50 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have amended claim 50 to address the Examiner's concerns.

The Examiner has rejected the claims as outlined in the table below:

Claims	Statutory basis	References
1-5, 45-50, 55	§ 102	Roth
7-8, 31-35, 41-43, 51-52	§ 103	Roth, Copple
9, 53	§ 103	Roth, Copple, Goldhabe
44	§ 103	Roth, Copple, Bates
36	§ 103	Roth, Copple, Tulske
54	§ 103	Roth, Copple, Eldering

Although applicants disagree, applicants have amended independent claims 1 and 45 to clarify their invention.

Claim 1 and its dependent claims now incorporate the language of now-canceled dependent claim 6 and recites:

selecting, based at least in part on review of bid amounts and on a likelihood that the advertisement will be placed on the requested number of web pages during the time period, a received bid whose bid amount is not the highest of the bids whose advertisement is eligible to be placed on the web page.

In rejecting dependent claim 6, the Examiner relied upon Roth at 8:3-5 and 8:33-40. The relied-upon portions of Roth describe how an advertiser can use a "minimize bid" option. This option allows Roth's system to try to minimize the bid amounts placed on behalf of an advertiser while trying to ensure that the number of advertisements requested by the advertiser are placed. In particular, Roth increases the bid amount for an advertiser if not enough advertisements are being placed for that advertiser, and decreases the bid amount if enough advertisements are being placed. Thus, Roth describes changing bid amounts to maximize the profitability of the advertiser.

The amended claims, in contrast to Roth's system, are directed to selecting one of many bids that is not the highest bid. Roth's changing of bid amount is unrelated to selecting of a bid that is not the highest. In fact, Roth specifically teaches away from selecting a bid that is not the highest by teaching that "the bid selection logic 16C compares various bids and selects the highest bid and therefore an advertisement for display." (Roth, 5:33-35, underline added.) Moreover, applicants' selection maximizes the overall profitability, not of an advertiser who places a bid, but rather of the organization that provides the advertisement space. Neither Roth nor any other of the cited references teaches such selecting of a bid that is not the highest. Newly added claims 75-100 are also directed to such selecting of a bid.

Based on the above amendments and remarks applicants respectfully request reconsideration of the application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 583-8548.

Date: 3/19/03

Respectfully submitted,

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Appl. No. 09/437,815

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

1. (Amended) A method in a computer system for allocating display space on a web page, the method comprising:

receiving multiple bids indicating a bid amount, and an advertisement, and a requested number of web pages on which the advertisement is to be placed during a time period;

receiving a request to provide the web page to a user;

selecting, based at least in part on review of bid amounts and on a likelihood that the advertisement will be placed on the requested number of web pages during the time period, a received bid whose bid amount is not the highest of the bids whose advertisement is eligible to be placed on the web page; and

adding the advertisement of the selected bid to the web page.

5. (Amended) The method of claim 1 wherein the selecting of the received bid is based at least in part on a category to which the web page relates.

45. (Amended) A computer system for allocating advertising space on display pages, comprising:

a database for storing bids indicating bid amount, an advertisement, and display page eligibility;

a component that receives a request to allocate an advertisement for a display page;

a component that selects a bid based on bid amount and display page eligibility stored in the database, wherein the selected bid does not have the highest bid amount of those bids whose advertisement is eligible to be displayed on the display page; and

a component that indicates that the advertisement of the selected bid is being allocated to advertising space of the display page.

50. (Amended) The computer system of claim 45 ~~wherein the display page eligibility including associated with each bid a requested number of advertisements to be placed within a specified time period, and wherein bids is are selected in part on used to generate a score indicating a likelihood that all the requested number of advertisements associated with advertising of the bid will be placed within a specified time period.~~